

RESOLUTION NO. 2008-44

**BEFORE THE CITY COUNCIL,
CITY OF FIREBAUGH
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH
APPROVING AN INITIAL ENVIRONMENTAL STUDY AND ADOPTING A
MITIGATED NEGATIVE DECLARATION FOR THE SAN JOAQUIN
RIVERBANK REPAIR PROJECT.**

WHEREAS, in 2006 the San Joaquin River experienced a flooding event and high waters associated with the floods resulted in damage to a 300±foot section of the west bank of the San Joaquin River, along Andrew Firebaugh Historic Park, Mills Elementary School and the City of Firebaugh Public Works yard, and

WHEREAS, the City has submitted an application to the State of California Office of Emergency Services for funding for a repair project along the affected stretch of riverbank, and

WHEREAS, after evaluating several alternatives and performing site investigations, including soil stability tests, the City Engineer has prepared plans for the repair project, consisting of a sheet pile wall with slope protection. This alternative involves placing sheet piling near the base of the existing riverbank in order to protect the toe of the slope from scour during periods of high flow. Existing vegetation and debris would be removed prior to rebuilding the slope with engineered fill. The face of the reconstructed slope would be protected from erosion utilizing riprap or a Reno Mattress system, and

WHEREAS, The California Environmental Quality Act of 1970, (CEQA) as amended, requires the preparation of an analysis of the environmental effects of development projects, including the subject riverbank repair project, and

WHEREAS, the City has prepared an Initial Environmental Study in accordance with the CEQA statutes and CEQA Guidelines, and

WHEREAS, the Initial Environmental Study identified potential significant impacts of the project, however measures have been identified that will reduce these impacts to a less-than-significant level. Accordingly the study indicates that it would be appropriate for the City to adopt a Mitigated Negative Declaration (MND). A copy of the

MND is attached as Exhibit “A” and includes a list of mitigation measures and a Mitigation Monitoring Program.

WHEREAS, the City conducted a 30-day public review period for the Initial Environmental Study and proposed MND by mailing copies of the study to affected agencies and advertising availability of the study in the Firebaugh Journal and posting notices at appropriate locations in the community, and

WHEREAS, by the close of the public comment period on August 28, 2008, the City had received comment letters from six agencies. Subsequently the City prepared responses to these comments and delivered them to the commenting agencies, and

WHEREAS, on October 20, 2008 the City held a public hearing on the environmental analysis and proposed Mitigated Negative Declaration and accepted testimony.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Firebaugh, after considering all the evidence presented, determined the following findings were relevant in evaluating the Initial Environmental Study and proposed Mitigated Negative Declaration:

1. The project could have significant impacts on the environment, however mitigation measures have been identified that will reduce those impacts to a less-than-significant level, and therefore a Mitigated Negative Declaration has been prepared in accordance with the statutes and guidelines of the California Environmental Quality Act of 1970, as amended.

2. The project will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community.

3. Mitigation measures were identified that would reduce environmental impacts associated with the project. These measures are hereby adopted by the City Council and will be implemented during project construction and/or operation, as appropriate. Mitigation measures are identified in the Mitigated Negative Declaration, attached to this resolution as Exhibit “A”.

NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Firebaugh approves the Initial Environmental Study prepared for the San Joaquin Riverbank Repair Project and adopts a Mitigated Negative Declaration (as shown in Exhibit "A") for same.

The foregoing resolution was adopted upon a motion of Councilmember _____, second by Council member _____, at a regular meeting of the City Council of the City of Firebaugh on the 20th of October, 2008, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Craig Knight, Mayor
City of Firebaugh

Priscilla Meza, City Clerk
City of Firebaugh

EXHIBIT A:

**CITY OF FIREBAUGH
MITIGATED NEGATIVE DECLARATION
& MITIGATION MONITORING PROGRAM**

FIREBAUGH PLANNING DEPARTMENT 1575 ELEVENTH ST. FIREBAUGH, CA 93622 (559) 659-2043

PROJECT TITLE: San Joaquin River bank repair project

APPLICANT City of Firebaugh
 1575 Eleventh Street
 Firebaugh, CA 93622

PROJECT LOCATION: The project includes the repair of a 300± foot portion of the west bank of the San Joaquin River, in the City of Firebaugh. The site is located adjacent to Andrew Firebaugh Historic Park and Mills Elementary School, north of the 13th Street bridge.

PROJECT DESCRIPTION: The City of Firebaugh is proposing to install a sheet-pile structure along the damaged portion of the river bank, in order to stabilize the bank and prevent damage from future flood events.

FINDINGS OF NO SIGNIFICANCE:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
2. The project does not have the potential to achieve short-term economic gain, to the disadvantage of long-term environmental goals.
3. The project does not have the potential to have impacts which are individually limited but cumulatively considerable.
4. The project will not cause substantial adverse effects on people, either directly or indirectly.

DETERMINATION:

On the basis of an initial environmental assessment and the findings mentioned above, the City of Firebaugh determines that the project will not have a significant impact on the environment.:

City Planner

Date Adopted

Mitigation Measures and Monitoring Program

Mitigation Measure	Responsible Agency/Department	Monitoring By	Timing / Frequency	Comments
1. AIR QUALITY				
a. All active portions of construction sites, earthen access roads, and material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	<i>Though not specifically considered to be "mitigation measures", construction-related air quality measures are listed here to improve clarity and effectiveness</i>
b. All clearing, grading, earth moving, or excavation activities shall cease during periods of winds greater than 20 miles per hour averaged over one hour.	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
c. All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
d. The area disturbed by clearing, earth moving, or excavation activities shall be minimized at all times. This can be accomplished by mowing instead of disking for weed control and seeding and watering inactive portions of the construction site until grass is evident.	City of Firebaugh/San Joaquin Valley Air Pollution Control District	Public Works Director / Project Manager	Post construction	
e. Construction site vehicle speeds shall be limited to 15 miles per hour	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
f. If used, petroleum-based dust palliatives shall meet the road oil requirements of the Air District's rule regarding Cutback Asphalt Paving Materials	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
g. Streets adjacent to the	City of	City Engineer /	During construction	

Firebaugh City Council - Resolution 2008-44
Environmental Analysis for
San Joaquin Riverbank Repair Project
Page 6 of 11

Mitigation Measure	Responsible Agency/Department	Monitoring By	Timing / Frequency	Comments
project site shall be swept as needed to remove silt that may have accumulated from construction activities. The streets are required to be wet prior to or in conjunction with rotary sweeping.	Firebaugh/San Joaquin Valley Air Pollution Control District	Project Manager		
h. All internal combustion engine driven equipment shall be properly maintained and well tuned according to the manufacturer's specifications	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
i. During the smog season (May through October) the construction period shall be lengthened to minimize the number of vehicles and equipment operating at the same time	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
j. When available, diesel powered or electric equipment shall be utilized in lieu of gasoline-powered engines.	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
l. Adherence to the foregoing measures will be made a part of the contract with all contractors involved with the project	City of Firebaugh/San Joaquin Valley Air Pollution Control District	City Engineer / Project Manager	During construction	
2. BIOLOGICAL RESOURCES				
a. Western Pond Turtles 1. A tailgate meeting discussing the purpose of implementing precautionary measures to avoid impacts to transient western pond turtles shall be conducted with onsite workers prior to the start of construction.	City of Firebaugh	City Engineer, consulting biologist	Prior to construction	
a. <u>Western Pond Turtles</u> 2. Pre-construction surveys shall be conducted to ensure that western pond turtles are absent from the construction area supporting potentially suitable habitat prior to	City of Firebaugh	City Engineer, consulting biologist	Prior to construction	

Firebaugh City Council - Resolution 2008-44
Environmental Analysis for
San Joaquin Riverbank Repair Project
Page 7 of 11

Mitigation Measure	Responsible Agency/Department	Monitoring By	Timing / Frequency	Comments
ground disturbance.				
a. <u>Western Pond Turtles</u> 3. The construction zone should be cleared, and silt fencing should be erected and maintained around construction zones to prevent western pond turtles from moving into these areas.	City of Firebaugh	City Engineer, consulting biologist	Prior to construction	
a. <u>Western Pond Turtles</u> 4. A biological monitor should be present onsite during construction within potentially suitable habitat to ensure that no western pond turtles are harmed, injured, or killed during project build out.	City of Firebaugh	City Engineer, consulting biologist	Prior to construction	
b. <u>Giant Garter Snake</u> 1. To reduce the likelihood of giant garter snake mortality, the project applicant shall implement and comply with the U.S. Fish and Wildlife Service's <i>Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (Thamnophis gigas) Habitat</i> . These standard avoidance and minimization measures include, but are not limited to: • Avoiding, to the maximum extent practicable, construction activities within 200 ft. from the banks of giant garter snake aquatic habitat; • Conducting all construction activities between May 1 and October 1, when giant garter snakes are active and, therefore, easier to detect and relocate (i.e., the likelihood of mortality is reduced). If construction is to occur between October 2 and April 30, the USFWS Sacramento office should be contacted to	City of Firebaugh	City Engineer, project contractor	Prior to and/or during construction, as noted.	

Firebaugh City Council - Resolution 2008-44
Environmental Analysis for
San Joaquin Riverbank Repair Project
Page 8 of 11

Mitigation Measure	Responsible Agency/Department	Monitoring By	Timing / Frequency	Comments
<p>determine if additional measures are necessary to minimize and avoid take.</p> <ul style="list-style-type: none"> • Conducting an in-service presentation and awareness training to workers by a qualified biologist. This training, which would include hand-out brochures, would instruct workers to recognize giant garter snakes and their habitat. • Having a qualified biologist survey the project area for giant garter snakes within 24 hours prior to construction activities. The project area should be resurveyed if no construction activities have occurred within two weeks of the previous survey. If a snake is encountered during construction, all activities in the immediate vicinity of the snake shall cease until appropriate corrective measure have been completed or it has been determined that the snake will not be harmed. Any sightings and/or incidental take will be reported to the USFWS immediately. 				
<p>b. <u>Giant Garter Snake</u></p> <p>2. If trenches are to be dug into which a snake could potentially fall, construction crews should either fill the trench or provide a slope at one end of the trench of no more than 45 degrees at the end of each workday. Doing so would preclude giant garter snakes from being trapped in the trench after working hours.</p>	City of Firebaugh	City Engineer, project contractor	Daily, as construction is concluded	
<p>b. <u>Giant Garter Snake</u></p> <p>3. Any pipes in a trench that are to be left open overnight</p>	City of Firebaugh	City Engineer, project contractor	Daily, as construction is concluded	

Firebaugh City Council - Resolution 2008-44
Environmental Analysis for
San Joaquin Riverbank Repair Project
Page 9 of 11

Mitigation Measure	Responsible Agency/Department	Monitoring By	Timing / Frequency	Comments
should be capped in order to prevent entry by snakes.				
b. <u>Giant Garter Snake</u> 4. A biological monitor should be present for all subsequent construction activities in areas considered possible habitat for the giant garter snake.	City of Firebaugh	City Engineer	During and after construction	
c. Loggerhead Shrike 1. For development that would occur on parcels with suitable trees and large shrubs, trees and large shrubs planned for removal should be removed during the non-breeding season (September 1 through January 31).	City of Firebaugh	City Engineer	Prior to construction	
c. Loggerhead Shrike 2. If it is not possible to avoid such disturbance during the breeding season (February 1 through August 31), a qualified biologist should conduct a pre-construction survey for nesting raptors and loggerhead shrikes in all trees on the project site within 30 days of the onset of site disturbance. If nesting raptors and/or loggerhead shrikes are detected on or adjacent to the site during the survey, a suitable construction-free buffer should be established around all active nests. The precise dimension of the buffers (up to 250 feet) would be determined at that time and may vary depending on location. The buffer areas should be enclosed with temporary fencing, and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the	City of Firebaugh	City Engineer, consulting biologist	Prior to construction	

Firebaugh City Council - Resolution 2008-44
Environmental Analysis for
San Joaquin Riverbank Repair Project
Page 10 of 11

Mitigation Measure	Responsible Agency/Department	Monitoring By	Timing / Frequency	Comments
breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.				
<p>d. Migratory Nesting Birds</p> <p>1. For construction activities that would occur in areas supporting suitable trees and large shrubs, trees and large shrubs planned for removal should be removed during the nonbreeding season (September 1 through January 31). However, if it is not possible to avoid such disturbance during the breeding season (February 1 through August 31), a qualified biologist should conduct a pre-construction survey for nesting raptors, loggerhead shrikes, and other migratory birds in all trees on the project site within 30 days of the onset of site disturbance. If nesting migratory birds, including raptors and/or loggerhead shrikes, are detected on or adjacent to the site during the survey, a suitable construction-free buffer should be established around all active nests. The precise dimension of the buffers (up to 250 feet) would be determined at that time and may vary depending on species and location. The buffer areas should be enclosed with temporary fencing, and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. Pre-</p>	City of Firebaugh	City Engineer & Consulting biologist	Prior to construction and during construction as necessary.	

Mitigation Measure	Responsible Agency/Department	Monitoring By	Timing / Frequency	Comments
construction surveys during the non-breeding season are not necessary for migratory birds, as they are expected to abandon their roosts during construction.				
3. NOISE				
a. Noise-generating construction activities at the site shall be limited to daylight hours, Monday through Saturdays	City of Firebaugh	City Engineer and project contractor	During construction	